

REMARKS

Claims 1 and 3-11 are pending in this application. By this Amendment, claim 1 is amended to include the features of former claim 2 and to further define the claim from the cited references. Claim 2 is canceled. Claims 3-11 have been amended to address informalities and antecedent basis issues. No new matter is added.

Applicants appreciate the courtesies shown to Applicants' representative by Examiner Kreck in the December 1, 2008 interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

In view of the foregoing amendments and the following remarks, reconsideration and allowance of the application is respectfully requested.

35 U.S.C. §112 Rejections

Claims 1-11 were rejected as allegedly being indefinite. Claims 1 and 3-11 have been amended to obviate the rejection. Claim 2 has been canceled.

Withdrawal of the rejections is respectfully requested.

35 U.S.C. §102(b) Rejections

Motomura

Claims 1, 2, 5, 6, 7, 10 and 11 were rejected as allegedly being anticipated by Motomura (U.S. Patent No. 4,070,772). Claim 1 has been amended and Applicants respectfully traverse this rejection.

Motomura describes a ground excavating apparatus that conducts excavation by means of a bucket and impact crusher. See the Abstract. Motomura further describes a bucket boom 13 including a bucket 14 attached to the impact crusher.

The Patent Office alleges that Fig. 11 of Motomura describes an attachment with a back wall having an external face being fitted with a guide tube device that engages with a tool. Applicant respectfully disagrees.

As shown below in Fig. 10 of Motomura, the bucket 14 is clearly separated from the chisel 25. As illustrated in Fig. 10, there is a large gap between the chisel 10 and the bucket 14.

For comparison, Fig. 3 of the present specification is shown below. Fig. 3 of the present specification clearly illustrates the back wall 5 having an external face being fitted with a guide tube device that engages with the tool, as recited in amended claim 1.

Thus, as agreed during the interview, Motomura does not describe the feature of amended claim 1 which requires the attachment to have a back wall having an external face being fitted with a guide tube device that engages with the tool, as required by amended claim 1.

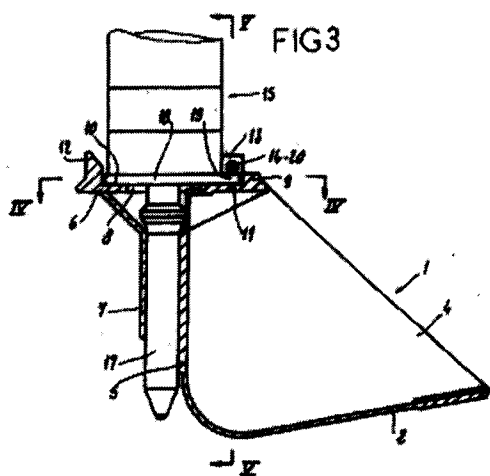


Fig. 3 of the Present Specification

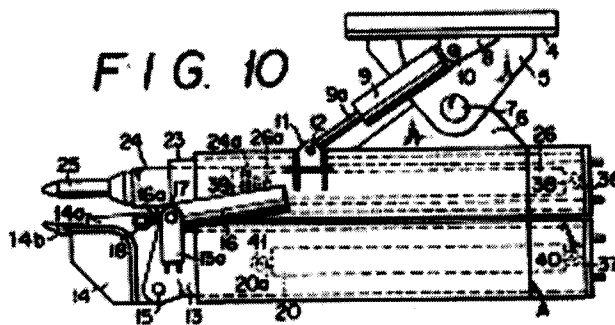


Fig. 10 of Motomura

Further, Motomura does not describe a fixing device for temporarily fixing the attachment to the end of the rock breaker, where the fixing device allows the attachment to be

removable without dismantling the tool, as required by claim 1. Thus, Motomura does not describe all of the features of claim 1.

Withdrawal of the rejection is respectfully requested.

Schaeff

Claims 1, 10 and 11 were rejected as allegedly being anticipated by Schaeff (U.S. Patent No. 4,602,821). Applicants respectfully traverse this rejection.

Schaeff describes a combined shovel and rock breaking chisel. Schaeff describes a clearing blade 30 fixed to the end of a hydraulic hammer 20. As further described in Schaeff, guide plate 28, which guides clearing blade 30, is welded to the end faces of the hammer chassis. See col. 5, lines 57-58 and Fig. 2. Accordingly, Schaeff clearly intends the clearing blade 30 to be permanently fixed to the hydraulic hammer.

Thus, Schaeff does not describe the feature of claim 1 that requires a fixing device for temporarily fixing the attachment to the end of the rock breaker, wherein the fixing device allows the attachment to be removable without dismantling the tool.

Further, the Patent Office admits that Schaeff does not describe the feature of amended claim 1 which requires the attachment to have a back wall having an external face being fitted with a guide tube device that engages with the tool.

Thus, as agreed during the interview Schaeff does not describe all of the features of present claim 1. Withdrawal of the rejection is respectfully requested.

Mazon

Claims 1-7 and 10 were rejected as allegedly being anticipated by Mazon (U.S. Patent No. 5,507,051). Applicants respectfully traverse this rejection.

Mazon describes a hand-held prospector tool which has a shovel 26 at one end and a tool head 46 at the other end. See the Abstract and col. 4, lines 11-33.

As agreed during the interview, Mazon does not describe the attachment intended to be fitted to one end of a powered rock breaker equipped with a tool. Thus, Mazon does not describe all of the features of claim 1.

Further, Mazon does not describe the feature of amended claim 1 which requires the attachment to have a back wall having an external face being fitted with a guide tube device that engages with the tool. Thus, Mazon does not describe all of the features of claim 1.

Withdrawal of the rejection is respectfully requested.

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1 and 3-11 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



William P. Berridge
Registration No. 30,024

Andrew B. Whitehead
Registration No. 61,989

WPB:ABW/tca

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OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

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